

**U.S. BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

Honorable Stephen L. Johnson

Thursday, August 18, 2016

Current as of 8/16/2016 at 2:21 PM

San Jose Courtroom 3099

U.S. Courthouse and Federal Bldg.

**280 S 1st Street
San Jose, CA 95113**

10:00 AM **11-59988** Ralph Theodule and
Ch 13 Deborah L. Theodule
Trustee: Derham-Burk

Moving: Susan D. Silveira

Opposing:

Debtor or Plaintiff Attorney: Susan D. Silveira

Matter: [Application for Compensation of Fees: \\$6,050.00 & Reimbursement of Expenses: \\$13.84 Filed by Silveira Law Offices, Attorney for Debtor \(93\)](#)

Comment **Tentative Ruling:** Fees are reasonable and are granted under § 330(a)(4)(B).

10:00 AM **11-61749** BJ Fadem
Ch 13
Trustee: Derham-Burk

Moving: Norma L. Hammes

Opposing:

Debtor or Plaintiff Attorney: Norma L. Hammes

Matter: [Motion TO APPROVE LOAN MODIFICATION CREDITOR: NATIONSTAR MORTGAGE Filed by BJ Fadem \(60\)](#)

***Statement of Non-Opposition filed by Trustee (69)**

Comment **Tentative Ruling:** Granted, with exception of ¶¶ 2 and 3 of prayer for relief in motion. Motion not served on all parties to this case nor on prior or subsequent holders of this loan.

10:00 AM **12-51081** John M. Collett and
Ch 13 Jennifer A. Collett
Trustee: Derham-Burk

Moving: Susan D. Silveira

Opposing:

Debtor or Plaintiff Attorney: Susan D. Silveira

Matter: [a\) Application for Compensation of Fees: \\$6,275.00 & Reimbursement of Expenses: \\$75.28 Filed by Silveira Law Offices, Attorney for Debtor \(50\)](#)

b) Limited Opposition filed by Trustee (52)

Comment **Tentative Ruling:** Matter will be called.

10:00 AM **12-51986** Lazaro Jimenez, Jr
Ch 13
Trustee: Derham-Burk

Moving: Norma L. Hammes

Opposing:

Debtor or Plaintiff Attorney: Norma L. Hammes

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Matter: **Motion TO APPROVE LOAN MODIFICATION Creditor: Select Portfolio Servicing, Inc Filed by Debtor (27)**

***Statement of Non-Opposition filed by Trustee (35)**

Comment **Tentative Ruling:** Granted, with exception of ¶¶ 2 and 3 of prayer for relief in motion. Motion not served on all parties to this case nor on prior or subsequent holders of this loan..

10:00 AM **12-55780** Ramon Evangelista Castro
Ch 13
Trustee: Derham-Burk

Moving: Norma L. Hammes

Opposing:

Debtor or Plaintiff Attorney: Norma L. Hammes

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Matter: **Motion MOTION TO APPROVE LOAN MODIFICATION Creditor: Seterus, Inc Filed by Debtor (58)**

***STATEMENT OF NON-OPP FILED BY TRUSTEE (67)**

Comment **Tentative Ruling:** Granted, with exception of ¶¶ 2 and 3 of prayer for relief in motion. Motion not served on all parties to this case nor on prior or subsequent holders of this loan.

10:00 AM **12-58144** Francisco Lara
Ch 13
Trustee: Derham-Burk

Moving: Susan D. Silveira

Opposing:

Debtor or Plaintiff Attorney: Susan D. Silveira

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Matter: **Application for Compensation of Fees: \$5,750.00 & Reimbursement of Expenses: \$87.51 Filed by Silveira Law Offices, Attorney for Debtor (74)**

Comment **Tentative Ruling:** Fees are reasonable and are granted under § 330(a)(4)(B).

10:00 AM **13-53306** Chau C. Du and
Ch 13 Tammy Tang
Trustee: Derham-Burk

Moving: Elaine M. Seid

Opposing: Lars T. Fuller

Debtor or Plaintiff Attorney: Lars T. Fuller

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Matter: **Motion to Set Aside Order Valuing Lien of City of San Jose for the Purpose of Voiding Lien on 273 Rayos Del Sol Driv., San Jose, CA Filed by the City of San Jose (39)**

***Stipulation to continue hearing to 9/15 at 10:00 filed 8/11/16**

Comment **Tentative Ruling: Matter continued to 9/15 @ 10am per stip.**

10:00 AM **14-51724** Joyce Mary Jimenez
Ch 13
Trustee: Derham-Burk

Moving: Norma L. Hammes

Opposing:

Debtor or Plaintiff Attorney: Norma L. Hammes

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Matter: **Motion TO APPROVE LOAN MODIFICATION Creditor: Nationstar Mortgage Filed by Debtor (25)**

Comment **Tentative Ruling: Granted, with exception of ¶¶ 2 and 3 of prayer for relief in motion. Motion not served on all parties to this case nor on prior or subsequent holders of this loan.**

10:00 AM **15-53308** Lynette Paradiso
Ch 13
Trustee: Derham-Burk

Moving: Daniel K. Fujimoto

Opposing: Gary Paul

Debtor or Plaintiff Attorney: Gary Paul

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Matter: **Hearing re Objection to Confirmation of Plan Second Amended Chapter 13 Plan Filed by Deutsche Bank National Trust Company (43)**

Comment **Tentative Ruling: Matter will be called.**

10:00 AM **15-53382** Erlinda Ponce Cabebe
Ch 13
Trustee: Derham-Burk

Moving: David A. Boone

Opposing:

Debtor or Plaintiff Attorney: David A. Boone

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Matter: **Motion to Modify Plan Filed by Debtor (35)**

Comment **Tentative Ruling: Matter will be called.**

10:00 AM **15-54015** Kim Narog
Ch 13
Trustee: Derham-Burk
Moving: Adam Hauf
Opposing:
Debtor or Plaintiff Attorney: Adam Hauf

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Matter: a) **AMENDED MOTION TO CONVERT TO A CHAPTER 11 CASE Filed by Debtor (105)**
b) **Objection and Opposition filed by Creditor Quail Creek Estates Mutual Water Company (111)**
c) **Opposition filed by US Bank (112)**
d) **Opposition filed by The Bank of New York Mellon (113)**

Comment **Tentative Ruling: This matter will be called.**

10:00 AM **16-50689** Alison M. McGhee
Ch 13
Trustee: Derham-Burk
Moving: Edward G. Schloss
Opposing: Jason Vogelpohl
Debtor or Plaintiff Attorney: Jason Vogelpohl

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Matter: **Hearing re Objection to Confirmation of Third Amended Plan Filed by BAYVIEW LOAN SERVICING, LLC (26)**

Comment **Tentative Ruling: Objection sustained. Debtor has presented no evidence of loan modification being submitted and plan does not appear to provide appropriately for creditor's claim.**
